

REMARKS

This Amendment is filed in response to the FINAL Office action dated October 16, 2007. All objections and rejections are respectfully traversed.

Claims 29-64 are pending.

Claim 45 has been amended to better claim the invention.

Claims 62-64 have been added to better claim the invention.

Request for Interview

The Applicant respectfully requests a telephonic interview with the Examiner after the Examiner has had an opportunity to consider this Amendment, but before the issuance of the next Office Action. The Applicant may be reached at 617-951-2500.

Claim rejections – 35 U.S.C. §101

At paragraph 2 of the Office Action claims 45-60 were rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Applicant has Amendment independent claim 45 to include a *computer*. Further, Applicant claims *a port to send. . . a directed packet through a potential data path to ensure that a component of the storage system is operational*. Thus, Applicant's claimed invention includes the physical step of sending a packet. As such, Applicant respectfully submits that independent claim 45 meets all requirements of 35 U.S.C. 101.

Furthermore, Applicant respectfully notes that claims 46-60 are dependent claims that depend from independent claim 45. As such, Applicant respectfully submits that dependent claims 45-59 are in condition for allowance.

Claim rejections – 35 U.S.C. §112

At paragraph 4 of the Office Action claims 29-61 were rejected under 35 U.S.C. 112 as failing to comply with the written description requirements. The Examiner urges that there is no stipulation described in the Applicant's Specification as to when the "sending" is supposed to occur. Applicant respectfully disagrees.

Specifically, at page 4, lines 23-25, Applicant's Specification states:

"In the third phase, the CVP checks for component failures in the storage environment, e.g., by **sending** directed packets via all potential data paths to ensure that all of the components of the storage environment are operational."

Thus, the 'sending' occurs in the third phase, which means that it occurs ***after the second phase***. At page 4, lines 16-22, Applicant's Specification states:

"In the second phase, the CVP checks various configuration settings of the storage environment components, including, for example whether failover modes are active for a storage system or whether switch zoning is active. During this phase, the CVP collects various configuration settings from the components of the storage system using techniques similar to those used for obtaining version values. The CVP examines the aggregated configuration information collected by the CVP to determine if there are any misconfigurations in the storage environment."

Therefore, the 'sending' of the directed packets occurs after the second phase, where it is determined if there are any misconfigurations in the storage environment. Thus, representative claim 29, which states ***"sending, in response to determining that there are no misconfiguration settings***, a directed packet through a potential data path to ensure that a component of the storage network is operational," is consistent with the specification in that the 'sending' occurs after phase two, where it is determined if there are any misconfigurations in the storage system. As such, applicant submits that Applicant's Specification is clear as to when the 'sending' occurs. As such, Applicant respectfully submits that claims 29-61 are in condition for allowance.

All independent claims are believed to be in condition for allowance.

All dependent claims are dependent from independent claims which are believed to be in condition for allowance. Accordingly, all dependent claims are believed to be in condition for allowance.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,

/A. Sidney Johnston/
A. Sidney Johnston
Reg. No. 29,548
CESARI AND MCKENNA, LLP
88 Black Falcon Avenue
Boston, MA 02210-2414
(617) 951-2500